

REMARKS

Claims 1-14 are rejected as obvious over an article "CollegeEdge, the Leading Provider of Web-Based Services to Educational Institutions, Announces Success of Enrollment Services System, Business Wire, March 1, 1999 ("CollegeEdge"). It is the position of the Applicant that these rejections cannot stand as the Office Action has failed to establish a prima facie case of obviousness and furthermore that the Applicant is entitled to a new Office Action.

As discussed in the previous response, the article discloses a method which is essentially a bulletin board, i.e., in which candidates populate a database with data other than the identity of the candidate. A number of institutions have non-exclusive access to this candidate populated database. The accessing institutions evaluate the candidates on the basis of the available information in accordance with their respective criteria and initiate a blind electronic contact with the unidentified candidate. Candidates who choose to respond to such contact by the institution by releasing their identity may then be provided by the institution with an application for enrollment at that institution.

In marked contrast, the present invention is directed to a database provided by a single institution (rather than by a third party), where only one institution has access to the database (rather than competing institutions), where the identity of the candidates is known (rather than secret), and where the decision to forward an application is made by the institution based on the evaluation of the institution (rather than the solicitation by the candidates of an application by the disclosure of their identity).

However the Office Action has chose not to address these arguments, instead stating the arguments are moot in view of the new grounds of rejection. Moreover, the Office Action has blindly ignored these very issues in crafting new rejections based on the same prior art.

Regarding Claims 1 and 6

The Office Action again has adjusted the wording of the rejection but has still not dealt with the fundamental differences address above.

The Office Action now acknowledges that “CollegeEdge” fails to disclose an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to providing candidates from the pool with an application for enrollment.

The Office Action previously acknowledged that “CollegeEdge” fails to disclose a first predetermined profile including specific information related to a candidate and the preferences of the institution.

Ignoring the differences described above, the Office Action then presents a marketing feature of “CollegeEdge” which allows institutions to send university branded information to the students as a basis for modifying “CollegeEdge” to that of the present claimed invention. In an attempt to bolster the rejection, the Office Action makes a conclusory statement that the prior art is an advancement over the current claims and therefore must inherently include a teaching to modify “CollegeEdge”. This reasoning is incorrect, not supported by any fact presented, and is not sufficient to transfer the

Examiners burden to present a teaching for the undisclosed features of the prior art. Furthermore, this bald assertion in light of the applicants previous arguments beg for the Examiner to address and reply to the applicant arguments. The Applicant's previously arguments to date stand uncontested by the Office Action and, as such, serve to repudiate the Office Actions assertions.

Regarding Claim 9

The Office Action acknowledges that "CollegeEdge" fails to disclose wherein the institution is identified.

The Office Action in an attempt to obviate this deficiency, states again that the website allows institutions to provide customized, university-branded applications and information online and "CollegeEdge" is an advancement and therefore as a result must teach the claimed features.

Again the Applicant points out the legal insufficiency of the Examiners reasoning with regard to "advancement", and again responds with the previously uncontested arguments.

The Applicant requests withdrawal of the rejection and allowance of Claim 9.

Regarding Claim 13

The Office Action acknowledges that “CollegeEdge” fails to disclose an inquiry pool of candidates interested in attending an identified institution of higher learning.

The Office Action in attempting to obviate the deficiencies of “CollegeEdge” states again that the website allows institutions to provide customized, university-branded applications and information online and “CollegeEdge” is an advancement and therefore as a result must teach the claimed features.

Yet again, the Applicant points out the legal insufficiency of the Examiners reasoning with regard to “advancement”, and again responds with the previously uncontested arguments.

Claims 2-5, 7 and 8, 10-12 and 14 are dependent upon Claims 1, 6, 9 and 13, respectively. Thus for the same reasons attributable to Claims 1, 6, 9 and 13, their rejections must be withdrawn, not withstanding the additional features recited therein.

New Office Action

The Applicants arguments have not been addressed by the Examiner, rather as described above, they were dismissed as being moot. However, the arguments presented distinguished the Claims as amended from the very prior art on which the Examiner bases the new rejections on. Furthermore, the Arguments as presented preclude the application of “CollegeEdge” from rendering the claims obvious. Therefore, the Examiner has the duty to rebut the Applicants arguments or remove the rejections. Thus, if the examiner maintains the current rejections the Applicant is entitled to a New Office Action.

CONCLUSION

The claimed methods are dramatically different from that described in the cited article, and the examiner has not identified any suggestion in the art cited for the substantial changes which would have to be made to the method disclosed in the article to arrive at any of the claimed methods. Furthermore, the arguments advanced by the Applicant have yet to be rebutted and thus if the rejections are not withdrawn the Applicant is entitled to a new Office Action. Reconsideration is accordingly solicited; withdrawal of the rejection and allowance of the application is accordingly solicited. In the event the Examiner maintains the present rejections, the Applicant requests the Examiner contact the undersigned Attorney to schedule an interview along with the Examiner's Supervisor.

Respectfully submitted,



Mark C. Comtois	Reg. No. 46,285
L. Lawton Rogers, III	Reg. No. 24,302
D. Joseph English	Reg. No. 42,514
Patrick D. McPherson	Reg. No. 46,255

DUANE MORRIS LLP
1667 K Street, N.W., Suite 700
Washington, DC 20006
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

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